

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RAYMOND ERIC ZAHLER)	Case No. CV-05-3035-JMF
CHARLES W. MOORE,)	
)	
v.)	
)	
BOARD OF TRUSTEES OF THE)	
YAKIMA COUNTY LIBRARY,)	
Each Member of the Board, L. Daniel)	
Fessler, Michael Wade Levitt, signer of)	
resolution, Jessie Palacios, former)	
board member, Carter Fjeld, board)	
member, James Gavin, board member,)	
Ron Gamache, current board member,)	
Jerry Aiken, board member,)	
)	
Defendants.)	
_____)	

ORDER

Defendants have filed a motion to dismiss Plaintiffs' complaint. (Document No. 37)

Plaintiffs have responded to the arguments raised in the motion to dismiss. (Document No. 48)

Defendants have replied. (Document No. 50)

The gravamen of plaintiffs' complaint rests upon the assertion that pro se litigants are entitled to unfettered access to the Yakima County Law Library. Plaintiffs argue that defendants, in limiting Law Library access to certain individuals, have violated Plaintiffs' rights under the United States Constitution. The statute upon which defendants base their decision to restrict access to the law library reads:

The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the board of trustees may by rule provide. Residents of counties with a population of three hundred thousand or more shall have free use of the law library.

RCW 27.24.067.

Upon review, the court finds that the above statute does not violate the United States Constitution. Although the courts are obligated to provide pro se litigants with liberal treatment, nothing in the Constitution obligates either the State of Washington or the County of Yakima to provide access to all law libraries to pro se litigants in civil cases.¹

Defendants motion to dismiss is GRANTED, and this case is DISMISSED WITH PREJUDICE. All other motions are rendered MOOT. Each party to bear their own costs.

The Clerk's Office shall enter judgment accordingly and close the file.

Date: March 2, 2006

s/ James M. Fitzgerald
Senior United States District Judge